



**JOHN BARKER LAW**  
— FOOD AND BEVERAGE SPECIALISTS —

# **LABELLING CONSUMABLE NATURAL HEALTH PRODUCTS**

**Dr John Barker**

**Principal**

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# **1. Therapeutic & health claims**

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# Which rules apply?

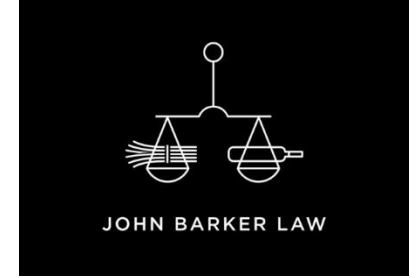
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How your product is classified is essential to understanding:

- what you must say on the label
- what you can say on the label
- what you can't say on the label

# Food Act 2014

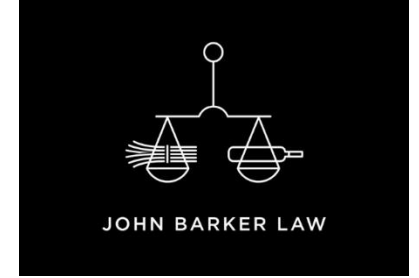
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- *Ministry for Primary Industries*
- Food & supplemented foods
- Claims must not be “therapeutic in nature”
- Nutrition content claims permitted
- General level health claims permitted
- High level health claims permitted
- Vague, non-specific claim (e.g. Manuka Doctor) not a health claim

# Dietary Supplements Regs 1985

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- *Ministry for Primary Industries (?)*
- Dietary supplements
- Therapeutic claims prohibited
- Nutrition content claims not regulated
- Health claims not regulated BUT broader definition of therapeutic claims overlaps with health claims for food

# Medicines Act

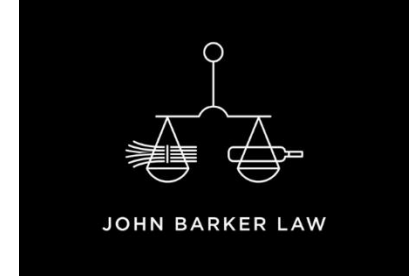
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- *Medsafe*
- Selling product with claims relating to “therapeutic purpose” could cause them to be classified as a medicine

# ASA Code

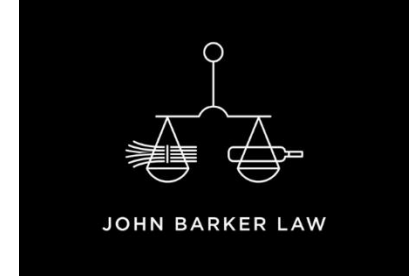
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- *Advertising Standards Authority*
- ASA Therapeutic and Health Advertising Code applies to all advertising but not packaging and labelling
- No therapeutic claims for dietary supplements
- Health benefit claims permitted

# Fair Trading Act

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- *Commerce Commission, general public*
- Applies to all conduct in trade
- Claims must not be false, misleading or deceptive or likely to be
- Claims must be substantiated with evidence at the time that you make them





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## **2. Country of origin labelling**

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# Is it mandatory in NZ?

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- **Food / supplemented food:** not mandatory - name and address of supplier only required
- **Dietary supplement:** not mandatory - trading name and business address of manufacturer, seller or packer, or of owner of the rights of manufacture, or the principal or the agent of any of them



# Will it become mandatory?

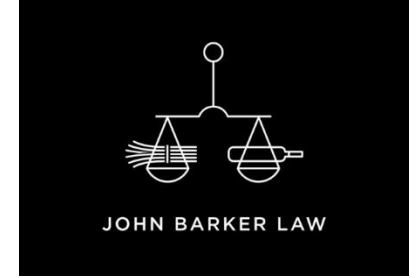
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## Consumers' Right to Know (Country of Origin of Food) Act 2018

- awaiting regulations to apply to “regulated foods”
- appears to be limited to single component fresh or frozen produce
- does not apply to products that are not food – i.e. dietary supplements

# When is a product “made in NZ”?

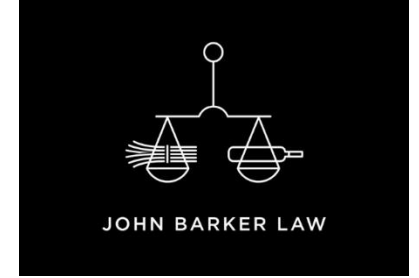
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- Fair Trading Act will apply
- No hard and fast rule
- Depends on product, nature of the claim, what consumers are likely to understand in the context
- NZ origin claim doesn't need to be in words – can be symbol or imagery
- Small print doesn't necessarily correct a misleading headline

# Recent examples

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- “New Zealand made” misleading in relation to goats milk colostrum powder where components imported and mixed in NZ
- “NZ made” claims on supplements found misleading where ingredients largely imported
- “Made by New Zealanders” etc misleading where ham cured in NZ but made from pigs reared overseas



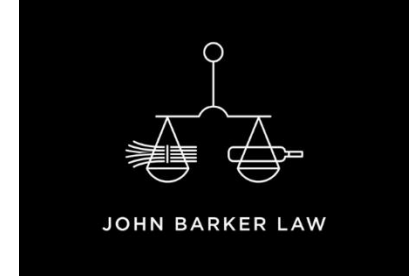
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# 3. Conclusion

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# Take aways...

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- Don't make therapeutic claims – i.e. cause & effect relationship between product and disease, ailment or physiological process
- Be aware of the specific rules for the product you are making
- Don't make claims that are false, misleading or deceptive or likely to be
- Make sure that you can substantiate any claims at the time that you make them



**THANK YOU**

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